

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FRANCES PERSAUD, et. al,

Plaintiff(s),

20 Civ. 2057 (PAC)

-against-

ORDER

THE CITY OF NEW YORK, et. al.

Defendant(s).  
-----X

**Whereas**, a preliminary conference was held before Judge Paul A. Crotty, a Justice of the United States District Court, Southern District of New York, on March 8, 2022, at 2:30 in the afternoon via telephone; and

**Whereas**, and the parties having agreed that Plaintiff shall withdraw all federal claims under USC § 1983 without prejudice; and,


**Whereas**, the parties have agreed to re-initiate this case at New York Supreme Court provided that both parties retain all statutory protections including, without limitation, the defense of the statute of limitations; and

**Whereas**, Plaintiff shall continue to pursue all claims asserted under New York State Law: and

**Whereas**, there remains no federal questions before this court; and

**Whereas**, the decision “whether to dismiss or transfer a case ‘lies within the sound discretion of the district court.’” *Blakely v. Lew*, 607 F. App’x 15, 18 (2d Cir. 2015) (quoting *Minnette v. Time Warner*, 997 F.2d 1023, 1026 (2d Cir. 1993)); *see also Gonzalez v. Hasty*, 651 F.3d 318, 324–25 (2d Cir. 2011) (noting that “[c]ourts enjoy considerable discretion in deciding whether to transfer a case in the interest of justice”

**THEREFORE, IT IS HEREBY ORDERED** that in this interest of justice, that this action shall be re-initiated at the NEW YORK SUPREME COURT, BRONX COUNTY. *See* 28 U.S.C. § 1406(a). The Clerk is directed to close this case.

  
\_\_\_\_\_  
Paul A. Crotty  
United States District Judge

Dated: 3 / 15 /2022  
New York, NY